

Application No. 09/768,747  
Amendment "B" dated November 25, 2003  
Reply to Office Action of September 2, 2003

### REMARKS

Applicants and applicants' attorney express appreciation to the Examiner for the courtesies extended during the recent interview held on September 7, 2003. Reconsideration and allowance of the pending claims are now respectfully requested in view of the remarks made during the interview and in view of the amendments and remarks made herein.

In the Final Office Action, dated September 9, 2003, claims 1-10 were rejected under 35 U.S.C. § 103 as being obvious in view of Urban (U.S. Patent No. 6,587,441).<sup>1</sup> As discussed at the interview, independent claim 1 is the only independent claim at issue.<sup>2</sup> Claim 1 has been amended herein and consistent with the discussion held at the interview, and hence favorable reconsideration is requested.

Claim 1 is generally directed to a method for enabling the synchronization of data between a message server and a message client. As recited, the method includes making a change to data, dividing the change into separate portions and sending a first notification to a message client, which includes the first portion of the change and a corresponding first token. Thereafter, upon receiving the first token back from the client, a second notification is sent to the client that includes at least a second portion of the change and at least a second corresponding token. If the first token is not received back from the client, however, then the first notification and the second notification are both sent to the client.<sup>3</sup>

It will be appreciated that the data that is sent in the first transmission to the client (the first notification) is different than the data that is sent in the second recited transmission to the client (either the second notification or a combination of the first and second notifications). For at least this reason, claim 1 and the corresponding dependent claims (1-8 and 10)<sup>4</sup> are distinguished from the art of record and are, therefore, neither anticipated by nor made obvious by Urban or the other art of record, either singly or in combination.

<sup>1</sup> Urban qualifies as prior art, if at all, as 102(e) prior art. Accordingly, Applicants reserve the right to challenge and remove the status of Urban as a proper reference at any appropriate time, should it arise. Any argument herein in reference to Urban is made merely assuming for purposes of the argument that Urban is a proper reference.

<sup>2</sup> The Office Action Summary erroneously indicated that claims 12 and 14-39 were rejected. However, as noted on pages 6 and 7 of the Office Action, these claims have in fact been found to be allowable over the art of record.

<sup>3</sup> As discussed during the interview, support for claim 1, which is found in a number of places throughout the application, is explicitly provided on page 9 of the specification, by way of example.

<sup>4</sup> It will be noted that claim 9 is no longer listed as depending from claim 10 because it has been cancelled by this amendment.

Application No. 09/768,747  
Amendment "B" dated November 25, 2003  
Reply to Office Action of September 2, 2003

In particular, Urban teaches a method and apparatus for transporting data over a wireless network in which the same data is repeatedly retransmitted until acknowledgment of receipt is obtained. Even more particularly, Urban teaches that packets having the same sequence number are repeatedly resent to a recipient until they are received and an acknowledgment packet is returned to the sender. (Col. 10, ll. 31-45). Urban fails, however, to disclose or suggest any method in which a change to data is divided into separate portions and in which the different portions are sent with different tokens, as recited in claim 1. Urban also fails to teach that upon receiving a first token back from the client, that a second portion of the change is sent with a second token to the client, and that upon failing to receive the first token back, that a combination of both the first and second portions along with their corresponding tokens are sent the client, as further recited in claim 1.


For at least these reasons, as discussed during the interview, and as reflected in the interview summary, claim 1 is patentable over the art of record. It will also be appreciated that claims 12 and 14-39, which were found to be allowable over the art of record, are allowable not only for the reasons reflected in the Final Office Action, but also for at least the reasons stated during the interview and because the combination of elements recited in the claims distinguish the claims over the art of record.

For at least these reasons, applicants respectfully submit that all of the pending claims (1-8, 10, 12, and 14-39) are now in condition for prompt allowance.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 25 day of November 2003.

Respectfully submitted,



RICK D. NYDEGGER  
Registration No. 28,651  
JENS C. JENKINS  
Registration No. 44,803  
Attorneys for Applicant

WA13768\14\CM0000003117V001.doc

Customer Number 022913